

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RAE ANDREACCHIO

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:21-cv-00386-CWR-LGI

KAREN YAX

a/k/a "The Critical Kay"

DEFENDANT

DECLARATION OF MATTHEW WILSON
PURSUANT TO 28 U.S.C. § 1746

1. That I, MATTHEW WILSON, am over the age of eighteen years and am competent to testify about the matters set forth in this Declaration.
2. That I am the attorney for the Plaintiff, RAE ANDREACCHIO, in the above-styled and numbered case.
3. That on August 13, 2021, at 8:27 p.m. CDT, I emailed the Defendant, KAREN YAX, my client's Rule 26(a) disclosures and then filed a corresponding Notice of Service with this Court's Electronic Case Filing ("ECF") system at 8:31 p.m. CDT.
4. That the Defendant responded, saying, "I am tired of repeating myself. I am not voluntarily submitting to the jurisdiction of Mississippi. Stop harassing me."
5. That I prepared a first draft of Plaintiff's Supplemental Motion to Compel along with a Good Faith Certificate. A true and correct copy of the Good Faith Certificate is depicted on the next page of this Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RAE ANDREACCHIO

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:21-cv-00386-CWR-LGI

KAREN YAX

a/k/a "The Critical Kay"

DEFENDANT

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

- Plaintiff's Supplemental Motion to Compel

The Parties further certify that:

_____ 1. The motion is unopposed by all parties.
_____ ✓ 2. The motion is unopposed by: RAE ANDREACCHIO
_____ ✓ 3. The motion is opposed by: KAREN YAX
_____ ✓ 4. The parties agree that replies and rebuttals to the motion will be submitted to the magistrate judge in accordance with the time limitations stated in L.U.Civ.R. 7(b)(4).

This, the 14th day of August 2021.

/s/ Matthew Wilson
Matthew Wilson, Plaintiff's Attorney
MS Bar #102344

Defendant

6. That on August 14, 2021, at 3:34 a.m. CDT, I delivered the first draft of the aforesaid motion along with the aforesaid Good Faith Certificate to Defendant pursuant to Local Rule 37(a) to obtain her signature.

7. That on August 14, 2021, at 9:35 a.m., I received the following email from the Defendant:

Rule 26(A) initial disclosures

The Critical Kay <kaykaydoo2@gmail.com>
To: Matthew Wilson <starkvillelawyer@gmail.com> Sat, Aug 14, 2021 at 9:35 AM

I sign nothing. Leave me alone.

On Sat, Aug 14, 2021 at 2:35 AM Matthew Wilson <starkvillelawyer@gmail.com> wrote:
Ms. Yax

Please find a copy of the Supplemental Motion to Compel that I intend to file. Also attached is a Certificate of Good Faith. Please sign the Certificate of Good Faith and return it to me by 5:00 pm today. That way I will be able to attach it to my motion.

Matt Wilson
Attorney at Law

 Virus-free. www.avast.com

On Fri, Aug 13, 2021 at 11:50 PM The Critical Kay <kaykaydoo2@gmail.com> wrote:
I am tired of repeating myself. I am not voluntarily submitting to the jurisdiction of Mississippi. Stop harassing me.

On Fri, Aug 13, 2021 at 3:28 PM Matthew Wilson <starkvillelawyer@gmail.com> wrote:
Ms. Yax

Please find our Rule 26 A initial disclosures, along with a notice that I will be filing with the Court documenting my service of the same to you.

Do you have an estimate of when you will have your disclosures ready for us?

Thanks

Matt Wilson

 Virus-free. www.avast.com

Critical Thinking+Civility=Winning

Critical Thinking+Civility=Winning

8. As evidenced by the Plaintiff's previous Motion to Compel, the Defendant is adamantly refusing to cooperate with the undersigned counsel regarding the Court's Initial Order and the Court's rules concerning initial disclosures. Moreover, the Defendant's blatant disregard of the Court's rules – in advance of a telephonic hearing to which she has been summoned, no less – is contumacious and willful. Therefore, Plaintiff seeks appropriate sanctions to deter this behavior in the future.

9. That I have spent 2.5 hours drafting (a) emails to the Defendant, (b) this motion, and (c) all accompanying exhibits. Although I am not billing the Plaintiff hourly in this matter, my typical rate is \$200.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 14, 2021

/s/ Matthew Wilson

Matthew Wilson